

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

## February 1, 1999

## DIVISION TWO

B119106 People (Not for Publication)  
v.  
Garcia

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Zebrowski, J.

B120249      People                                (Not for Publication)  
v.  
**Alfred Sablan**

### The Court:

The judgment is modified to reflect a \$200 restitution fine pursuant to Penal Code section 1202.4, subdivision (b) and a \$200 fine pursuant to Penal Code section 1202.45, the latter fine to be suspended unless appellant's parole is revoked. The abstract of judgment is to be amended to reflect these fines. In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

February 1, 1999-Continued

DIVISION THREE

B118649 People (Not for Publication)  
v.  
Timothy M.

The judgment (order continuing minor a ward of the court under Welfare and Institutions Code, section 602) is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B118693	People v. Willy Benavides	(Not for Publication)
B122661	In re Benavides on Habeas Corpus	

The judgment is affirmed, and the habeas corpus petition is denied.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B114594	People v. James Andrew Loveall	(Not for Publication)
B119636	In re Loveall on Habeas Corpus	

The judgment is affirmed; the petition for writ of habeas corpus is denied.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

DIVISION THREE (Continued)

B126944 Patricia O.  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children & Family Services, r.p.i.)

Filed order certifying opinion for publication.

DIVISION FOUR

B121158 People (Certified for Publication)  
v.  
Justin B.

The order of wardship is reversed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B122955 People (Not for Publication)  
v.  
Castellano

The Court:

For the foregoing reasons, we modify the judgment to impose and suspend a fine in the sum of \$200 pursuant to Penal Code section 1202.45 and, as modified, affirm. The superior court is directed to prepare an amended Abstract of Judgment which reflects the fine imposed pursuant to Penal Code section 1202.4 and the fine imposed and suspended pursuant to Penal Code section 1202.45.

Vogel (C.S.), P.J., Epstein, J., Curry, J.

## DIVISION FOUR (Continued)

[illegible]

The Court:

For the foregoing reasons, the juvenile court's findings that appellant committed a violation of Penal Code section 69 is vacated and its finding that appellant committed a misdemeanor violation of Penal Code section 243, subdivision (c)(2) is reduced to a misdemeanor violation of Penal Code section 243. Appellant's maximum period of confinement is set at six months. As modified, the judgment is affirmed.

Epstein, Acting P.J., Hastings, J., Curry, J.

B116097 People (Not for Publication)  
v.  
Cabrera & Hernandez

The judgment against appellant Cabrera is modified to reflect that Cabrera is ordered to pay a parole revocation fine of \$200, and the judgment against appellant Hernandez is modified to reflect that Hernandez is ordered to pay a parole revocation fine of \$1,000. (Pen. Code, § 1202.45.) Upon issuance of the remittitur, the clerk of the superior court is directed to prepare corrected abstracts of judgment as set forth in this opinion and to forward them to the Department of Corrections. The judgments are affirmed in all other respects.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

DIVISION FOUR (Continued)

B119023      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Becky V.

The jurisdictional orders of the juvenile court are affirmed. The dispositional order dated January 2, 1998, is reversed, and the cause remanded to the family court for a hearing on the custody and visitation issues.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
                     Hastings, J.

B118806      Dalia      (Not for Publication)  
v.  
Navcom Defense Electronics

The judgment is reversed, and the matter is remanded with directions to the trial court to vacate its orders granting summary judgment and denying appellant a continuance to conduct discovery prior to the hearing on respondents' motion for summary judgment or adjudication. Each side to bear their own costs.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
                     Hastings, J.

B121969      Garcia      (Not for Publication)  
v.  
Citizens Medical Group

The judgment is reversed. Appellant is awarded his costs on appeal.

Curry, J.

We concur:    Vogel (C.S.), P.J.  
                     Hastings, J.

## DIVISION FOUR (Continued)

B108005 Kelly (Not for Publication)  
v.  
Quisenberry & Barbanel

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

DIVISION FIVE

B115248 County of Los Angeles et al. (Not for Publication)  
v.  
City of Los Angeles etc. et al.

The order granting the preliminary injunction is affirmed. The order fixing the preliminary injunction bond in the sum of \$5,000 is reversed. Upon issuance of the remittitur, the preliminary injunction bond amount is to be increased to a sum consistent with the considerations set forth in the body of this opinion. Plaintiffs, County of Los Angeles, Nadine Diaz, Saul Median, Raul and Diana Tanago, Juan and Victoria Macias, J. & V Macias Corporation, and Melanie Ibarra, shall recover their costs on appeal from defendant, Pedro Rosado.

Turner, P.J.

We concur:    Armstrong, J.  
                         Godoy Perez, J.

February 1, 1999-Continued

DIVISION FIVE (Continued)

B120987      People                                  (Not for Publication)  
v.  
Christopher Lashune Langston

The judgment is modified to reflect a section 1202.45 restitution fine. Upon issuance of the remittitur and imposition of the additional \$400 section 1202.45 fine, the superior court clerk is to issue an amended abstract of judgment as set forth in this opinion and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Godoy Perez, J.

## DIVISION SEVEN

B119355      Doctor's Medical Laboratory      (Certified for Publication)  
v.  
Connell

The judgment of the trial court is modified to require Controller to forthwith pay to Doctor's all amounts approved for payment by the Department of Health Service's Fiscal Intermediary, EDS. As so modified, the judgment is affirmed. Plaintiff and Appellant shall recover its costs on appeal.

Neal, J.

We concur:   Lillie, P.J.  
                      Johnson, J.

DIVISION SEVEN (Continued)

B116893      Lawyer's Mutual Ins. Co.                      (Not for Publication)  
                 v.  
                 Homestead Ins. Co.

The judgment is reversed, and the case remanded for further proceedings consistent with this opinion. Appellant shall recover its costs on appeal.

Neal, J.

We concur:   Johnson, Acting P.J.  
                 Woods, J.

B116393      People    (Not for Publication)  
                 v.  
                 Arellano

The judgment of the superior court is affirmed. The cause is remanded for imposition of penalty assessments of \$3,000 pursuant to Penal Code section 1464 and \$2,100 pursuant to Government Code section 76000, subd. (a), for total of \$5,100. The trial court is then to exercise its discretion to determine whether the assessment under Penal Code section 1464 may be waived. The abstract of judgment shall be modified in accordance with the trial court's determination of this issue.

Johnson, J.

We concur:   Lillie, P.J.  
                 Woods, J.

B119202      People  
                 v.  
                 Gehring

Filed order denying petition for rehearing.